

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

1st Order of Continuance

ALEJANDRO JAVIER MARIN,

20 Mag. 9491

Defendant.

Upon the application of the United States of America and the affirmation of Sam Adelsberg, Assistant United States Attorney for the Southern District of New York, it is found that ALEJANDRO JAVIER MARIN, the defendant was charged in a complaint dated September 4, 2020 with violating three counts of Title 18, United States Code, Section 1001.

It is further found that the defendant was presented before Magistrate Judge Debra Freeman in the Southern District of New York on November 10, 2020, and that the defendant was ordered detained based on risk of flight. Under the Speedy Trial Act, the Government was initially required to file an indictment or information on or before November 24, 2020.

It is further found that Kelley Sharkey, Esq., counsel for the defendant, and Assistant United States Attorneys Samuel Adelsberg and Amanda Houle have been engaged in, and are continuing, discussions concerning a possible disposition of this case.

It is further found that the Government has requested a continuance of 30 days, from today until December 18, 2020, to engage in further discussions with counsel about the disposition of this case and that the defendant, through counsel, has consented that such a continuance may be granted for that purpose and has specifically waived his right to be charged in an indictment or information for an additional 30 days.

It is further found that the granting of such a continuance best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial; and therefore it is:

ORDERED that the request for a continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) is hereby granted until December 18, 2020, and that a copy of this Order and the affirmation of Assistant United States Attorney Sam Adelsberg be served by electronic mail on this date on counsel for the defendant by the United States Attorney's Office.

Dated: New York, New York
November 18, 2020

A handwritten signature in black ink, reading "Kevin Nathaniel Fox". The signature is written in a cursive, flowing style.

THE HONORABLE KEVIN N. FOX
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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- v. -

ALEJANDRO JAVIER MARIN,

Defendant.

**Affirmation in Support of 1st
Order of Continuance**

20 Mag. 9491

State of New York)
County of New York) ss.:
Southern District of New York)

Sam Adelsberg, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an Assistant United States Attorney in the Office of Audrey Strauss, Acting United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated September 4, 2020 with violating three counts of Title 18, United States Code, Section 1001. The defendant was presented before the Honorable Debra Freeman on November 10, 2020, at which time he was ordered detained based on risk of flight. The defendant, is represented by Kelley Sharkey, Esq.

3. Under the Speedy Trial Act, the Government was initially required to file an indictment or information on or before November 24, 2020.

4. Defense counsel and the Government have had discussions regarding a possible disposition of this case. The discussions have not been completed. The parties intend to

continue discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on November 24, 2020.

5. Therefore, the Government is requesting a 30-day continuance from today until December 18, 2020, to continue the foregoing discussions. Assistant United States Attorney Sam Adelsberg has personally communicated with defense counsel for the defendant, and the defendant, through counsel, has specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
November 18, 2020

/s
Sam Adelsberg
Assistant United States Attorney
(212) 637-2494